

Anthony Ward,
Plaintiff,

Case # 23-CV-5061

vs

The County of Pennington, a County Corporation in the State of South Dakota, et al.

Motion to Compel

Comes now, Anthony Ward, the plaintiff, whom is pro se, whom is respectfully asking the Court in its infinite, wisdom and discretion to issue sua sponte orders to the defendant the County of Pennington a County Corporation in the State of South Dakota either to provide service to its employees: ex Sheriff Kevin Thomm, ex-Commander Robert Yontis, ex Sgt. Reichart, and Camren a black shirt overnight employee, as well as Trinity Services Group, Inc, whom contract with Pennington County to provide food services for both pretrial detainees and inmates at Pennington County Jail. For all the reasons set forth in this Motion the Court shall grant this motion:

Background

The plaintiff was arrested on the 23 of March in the year of 2022. The plaintiff was housed at Pennington County Jail for 2 1/2 years ending on the 10 of June the year 2024. During that time he suffered at the hands of the County's employees who either followed State or Federal laws or acted in the color of law. The plaintiff was convicted by a jury. He is currently being housed at FCI Mandate, fighting his appeal.

This lawsuit was started back on the 1st of September of the year 2023. Earlier this year in April of 2025 the lawsuit was allowed to proceed. Between the 15th of April and the 2nd of May of 2025 all the defendant's were served by the United States Marshals.

Then on the 13th of May year 2025 the Court in regards to defendants: Kevin Thomm, Sheriff; Robert Yontis, Commander, Sgt. Reichart, and Camren a black shirt employee the works overnights, service was denied stating that defendants could not be served. See attached (plaintiff received this May 27, 2025). Then on the 14th of May of 2025 Walters Kulwer either attorneys or business partners of CT Corporation either a

parent corporation or a subsidiary corporation to Trinity Services Group, Inc., sent a letter in response to service stating, "Not agent: According to our records and/or the records of the Secretary of State, we are not the registered agent for the party you are attempting to serve." See attached (received May 28, 2025).

Arguments

The Federal Rules of Civil Procedure ensure that each party is ensured their rights in a Court proceeding, in this case Fed. R. Civ. P., Rule 4 see *Rush v. Saul*, 06/09/2021 U.S. Dist. LEXIS 1071610. The plaintiff wishes to comply with Fed. Rules of Civil Procedure, Rule 4 see attachments. All attachments provide proof that the plaintiff has tried to uphold the Court's order to have service rendered on every defendant. In *LLC v. Greer*, 08/27/2019 U.S. Dist. LEXIS 244538, Greer alleged and made conclusory allegations that service was improper and that LLC could not overcome the presumption that service was valid. This was a sham to prevent and circumvent the power of the Court by trying its orders uneffective. Similar to the County of Pennington County whom is not providing service to valuable parties involved in this matter.

Furthermore, under Rule 4, service is permitted on a corporation (Trinity Services Group, Inc.) in a manner authorized by the law of the state where the district court is located Fed. R. Civ. P., Rule 4(e)(1)(A); see also *Fischer v. Mart. Elec. Registration Sys., Inc.*, No. D9-3506 (PJS/MSM), 2010 U.S. Dist. LEXIS 8500, 2010 WL 3283420, at *2 ("Federal Rules of Civil Procedure 4(e)(1) provides that service in a federal district court may be effected pursuant to the laws of the state in which the court is located"). Under Rule 4(e)(1), an individual can be served by following state law for either the state where the District Court is located, or the state where service is made. Alternatively, the plaintiff can follow Rule 4(e)(2) by:

"(A) delivering a copy of the summons and of the complaint to the individual personally,
 (B) leaving a copy of each at the individual's dwelling or usual place of abode
 { 2023 U.S. District LEXIS 23 } with someone of suitable age and discretion who resides there, or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process." see, *Davis v. DOJ*, 09/28/23 U.S. District LEXIS 174057.

Furthermore, Under South Dakota law, the Court can find substantial compliance, if there has been "actual compliance in respect to the substance essential to carry out the intent for which it was adopted." see attached affidavit.

It goes without saying that ~~by~~ the plaintiff being incarcerated, he is limited substantially, and it should not be expected of him to have internet access. Therefore it is impossible to find specific addresses of new County jobs of defendants or locations of corporations that contract with the County of Pennington itself and given the nature of the plaintiff's complaint it is inappropriate for him to have the address of the personal homes of each defendant(s). Therefore, the County should be compelled to provide the address of their new County jobs or provide the personal address to the Court so that the Clerk can ensure service of the remaining defendants.

The defendant Trinity Services Group, Inc., work address is 477 Commerce Blvd, in Oldsmar, Florida with zip code 34677 (according to both Google as of 2022 and last checked in August of 2023 and staff at Pennington County Jail). Trinity Services Group, Inc., has rejected service through either from attorney's Walter's Kulwer or parent company and/or subsidiary company through another company referred as CT Corporation. Again this address was obtained by the defendant when this contract was first established back in October of 2022, by personell at the jail (through staff emails and the internet). In the very unlikely case that the address is wrong, then the County of Pennington a County Corporation within the State of South Dakota should be compelled to relinquish the right address so that this person/corporation can be served as well as the remaining defendants.

However if Trinity Services Group, Inc., are fighting service then they should be held in contempt and the plaintiff should be allowed to start a default Judgement proceedings pursuant Fed. R. Civ. P., Rule 4.

In any case, the plaintiff doesn't have the means to obtain the personal addresses of: Kevin Thamm, Robert Yentis, first name unknown Reichert, (first name or last name unknown) Camren or to find the new County work address without assistance from the Court. Furthermore the address of Trinity Service's Group, Inc., is using a delay mechanism to stall the Court proceedings. The USM did not arbitrarily serve the address in Plantation, FL, this was obviously the address associated with this Corporation. (It should be noted that Trinity Food Services Group, Inc., may be playing with words to avoid service: Trinity Food Group Services, Inc. A distinction that defendant County of Pennington can fix).

Remedy

The remedy that the plaintiff seeks is that the defendant County of Pennington a County Corporation within the State of South Dakota be compelled to either provide the new work addresses for its employees /defendants: a) Sheriff Kevin Thamm; b) Commander Robert Vantis; c) Sgt. Reichert; d) Camren a blockshift overnight employee. If in the case they are no longer employed by the defendant the County of Pennington, then the defendant should provide the personal addresses to the Court. So that the Court may issue sua sponte orders to the Clerk's office to have these remaining defendants served.

In the case of Trinity Services Group, Inc., whom was served at the correct address with the correct information, then the plaintiff seeks damages for refusing service in the amount of \$150. starting the day that they were served on the 16th of May of 2025 until the acceptance of service, or default judgement is issued which ever comes first. The defendant cannot deny service and should be punished for doing so.

If the Court will not provide the above remedy to the plaintiff in regards to Trinity Services Group, Inc., then the Court shall issue sua sponte orders to the USM to provide an affidavit of service upon Trinity Services Group, Inc., in accordance with Fed. R. Civ. P. Rule 4, so that the plaintiff may seek the appropriate remedy.

Conclusion

The plaintiff has followed all the rules of Federal Rules of Civil Procedure, and has provided substantial proof on why his claims throughout this motion should be granted. Therefore, the Court shall issue sua sponte orders granting this Motion to compel and granting all the relief sought in the Cause and interests of justice and the fair administration of justice.

Certificate of Service

I, Ward, Anthony; swear that a true and correct copy was of this Motion to Compel was sent to the United States District Court address 515 Ninth Street, Room 302 located in Rapid City, SD 57701 via the United States Postal Services from FCI Mendota located in Mendota California.

Date: 6/3/2025

sign Anthony Ward

Anthony Ward 97722-509

FCI Mendota

P.O. Box 9

Mendota, CA 93640

Certificate of Service

I, Wren, Anthony; swear that a true and correct copy was of this Motion to Compel was sent to Trinity Services Group, Inc., address 477 Commerce Boulevard, in Oldsmar, FL 34677 via the United States Postal Service from FCT Mendota address P.O. Box 9 located in Mendota, CA 93640.

Date: 6/3/2025

sign: Anthony Ward
Anthony Ward 97722-509
FCT Mendota
P.O. Box 9
Mendota, CA 93640

Certificate of Service

I, wever, anthony; swore that a true and correct copy was of this Motion to Compel was sent to defendant the County of Pennington, a County Corporation in the state of South Dakota, address 130 Kansas City Street, located in Rapid City, SD 57701 via the United States Postal Service from FCI Mendota, address P.O. Box 9 in Mendota, CA 93640.

Date: 6/3/2025

Sign Anthony Wever
Anthony Wever 97728-509

FCI Mendota

P.O. Box 9

Mendota, CA 93640

Certificate of Service

I, Worel, Anthony; swear that a true and correct copy was of this Motion to Compel was sent to Brian Mueller, Sheriff address 300 Kansas City Street in Rapid City, S.D. 57701, via the United States Postal Service from FCI Mendota address P.O. Box 9 in Mendota, CA 93640.

Date: 6/3/2025

sign Anthony Worel
Anthony Worel 97728-509
FCI Mendota
P.O. Box 9
Mendota, CA 93640

Certificate of Service

I, Waver, Anthony; swear that a true and correct copy was of this Motion to Compel was sent to Darnell Welch, Admin Co; Scott Moore, CO; Casey Munsch, Captain; Madison Houston, Admin Co; Unknown, Espinoza, CO; Unknown Wilson, Lt; Kathleen Houston, Lt; Rachel Waddell, Dr; Jane Doe, Doctor; Nurse Megan; Jane Doe, Nurse at their work place Pennington County Jail address 307 Saint Joseph in Rapid City, SD 57701 via the United States Postal Service from FCI Mendota address P.O. Box 9 in Mendota, CA 93640.

Date: 6/13/2025

sign Anthony Waver
Anthony Waver 97728-509
FCI Mendota
P.O. Box 9
Mendota, CA 93640

Anthony Ward 97728-509
FBI Mendota
P.O. Box 9
Mendota, CA 93640

UNITED STATES DISTRICT COURT
ATTN: Head Clerk
515 Ninth Street, Room 302
Rapid City, SD 57701

CSO
SOUTH DAKOTA
X-RAYED BY

Legal Mail / Privileged Mail



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